

PUBLIC HEARING--December 16, 1965

6-41

Appeal #8028 Loui Levy, et al. appellants.

The Zoning Administrator District of Columbia, appellee.

On motion duly made, seconded and carried with Mr. Clouser and Mr. Davis dissenting, the following Order was entered on December 22, 1965:

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ORDERED:

That the appeal for a variance from Section 7204.1 of the Zoning Regulations to permit parking spaces less than 19 feet in length; for waiver of requirements of Section 7205.12 (b) of the Zoning Regulations to permit parking spaces less than three feet from the building line, and to utilize the off-street parking space aisle for loading berth purposes at 3218 Wisconsin Avenue, N.W., lot 812, square 1920, be denied.

From the records and the evidence adduced at the hearing, the Board finds the following facts:

(1) Appellant's lot has a width of 50 feet on Wisconsin Avenue, a depth of 164 feet to a 20 foot wide public alley in the rear. The lot contains an area of 8200 square feet of land.

(2) Appellant proposes to erect a ten-story apartment building on the site. The proposed building will contain 40 efficiency apartment units and 19 one bedroom units for a total of 59. It is proposed that all units in the building will be furnished, appellant contending that there is a strong demand for this type of unit in the proposed located.

(3) Off-street parking will be more than adequate to meet the needs of the occupancys of the building, appellant contending that efficiency units generate less parking demand than the normal type of apartment unit. Appellant will provide twenty off-street parking spaces.

(4) Appellant's parking spaces will be 18 feet in length in place of the 19 feet required under the Zoning Regulations. Further, the parking will extend to the property lines and further, the off-street loading berth must be located within the parking aisle. Appellant states that there is no real need for a loading berth due to the type of occupancy in the building as they will not require moving of furniture in and out.

(5) Appellant's exhibit giving a survey of availability of parking in the neighborhood and need for off-street parking. This exhibit intends to establish that the parking relief sought by appellants is compatable to the neighborhood.

(6) Appellant's exhibit showing the extend to which compact cars rent spaces in apartments of this type thus reducing the need for the size of parking spaces from the 19 feet required under the Zoning Regulations.

(7) Appellant's exhibit showing 14 foot aisle and two rows of parking spaces 18 feet in depth. Appellant states it is not possible to provide for the three foot setback from the property lines to provide 19 feet parking spaces.

(8) Appellant's exhibit showing that even with the erection of a parking garage there is still need for parking relief and that a parking garage is less desirable in serving needs of the building and further, that the cost increases construction cost without providing any benefit to the owner of the building.

(9) Appellant states that it would be an undue hardship upon the owner to provide a loading berth on the subject site by reason of the width of the lot and further, there is no practical need for a loading berth to serve the furnished apartment units.

(10) Appellant submitted a survey of existing buildings in the neighborhood who do not have loading berths meeting the requirements of the Zoning Regulations.

(11). Appellant's exhibit listing apartments on Wisconsin Avenue in this area listing number of units therein and amount of parking provided.

(12). Appellant's exhibit listing buildings on Wisconsin Avenue which indicates three conventional size cars for each compact car.

(13) There was no objection to the granting of this appeal registered at the public hearing.

OPINION:

It is the opinion of the Board that appellant has failed to prove a case of hardship within the meaning of the variance clause of the statute. Appellant's lot is rectangular in shape, has no particular narrowness, shallowness or shape, nor does it have any exceptional topographical conditions or other extraordinary or exceptional situation or condition which would preclude appellant erecting a building and meeting all requirements of the Zoning Regulations.

In view of the above we are of the further opinion that this relief cannot be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the zoning regulations and map.